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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,676	12/22/2000	David E. Miner	42390P10141	1649

8791 7590 06/16/2005

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EXAMINER

CHUNG, PHUNG M

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/746,676

Applicant(s)

MINER ET AL.

Examiner

Phung My Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004 and 14 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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1. Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, line 5, "configuration" is vague and indefinite.

As per claim 2, this claim is also rejected because it dependent upon the rejected base claim.

As per claim 3, line2, "configuration" is vague and indefinite.

As per claims 4-17, these claims are also rejected because they dependent upon the rejected base claim.

As per claim 18, line 9, "configuration" is vague and indefinite.

As per claims 19-29, these claims are also rejected because they dependent upon the rejected base claim.

As per claim 30, lines 3-4, "based upon said desired testing portion,... (TAPs)" is not clear as to what it means. Which portion is the desired testing portion? and Why dynamically routing signals between a plurality of test access ports (TAPs)? What kind of signal is that?

As per claims 31-37, these claims are also rejected because they dependent upon the rejected base claim.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8, 10 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Whetsel (6,408,413).

As per claim 1, Whetsel discloses the invention substantially as claimed, comprising:

A multi-core processor (Fig. 18, col. 12, lines 24-27); and

At least one test control mechanism, including at least one test access port controller (71) (TAPC) and a plurality of distributed data and control registers (Fig. 17, col. 10, lines 50-60);

The multi-core processor and the test control mechanism having a configuration so as to allow testing of the multi-core processor. (See Fig. 18, col. 12, lines 24-38).

As per claim 2, Whetsel further discloses wherein the multi-core processor comprises at least two processor cores and at least one circuit comprising non-processor core logic (col. 12, lines 24-26).

As per claim 3, Whetsel further discloses the multi-core processor and the test control mechanism having a configuration so as to allow testing of at least two processor cores of the multi-core processor (col. 12, lines 24-38).

As per claims 4, 8 and 10, Whetsel further discloses wherein the plurality of distributed data and control registers are located both within the at least two processor cores and within the at least one circuit comprising non-core logic. (See Fig. 7, Fig. 18, col. 12, lines 24-38).

As per claim 5, Whetsel further discloses the at least one test control mechanism is substantially compliant with the IEEE 1149.1 specification. (See col. 12, lines 30-31).

As per claim 6, Whetsel further discloses the at least one test access port controller is located within the at least two processor cores. (Fig. 18, col. 12, lines 24-31).

As per claim 17, Whetsel further discloses the at least one test control mechanism, the at least on processor core and the at least one circuit comprising non-processor core logic are further coupled so as to allow tesing of the at least one circuit comprising non-processor core logic. (Col. 12, lines 24-34).

4. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 571-272-3818. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phung My Chung  
Primary Patent Examiner  
Art Unit 2133



OK to enter  
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6/13/05

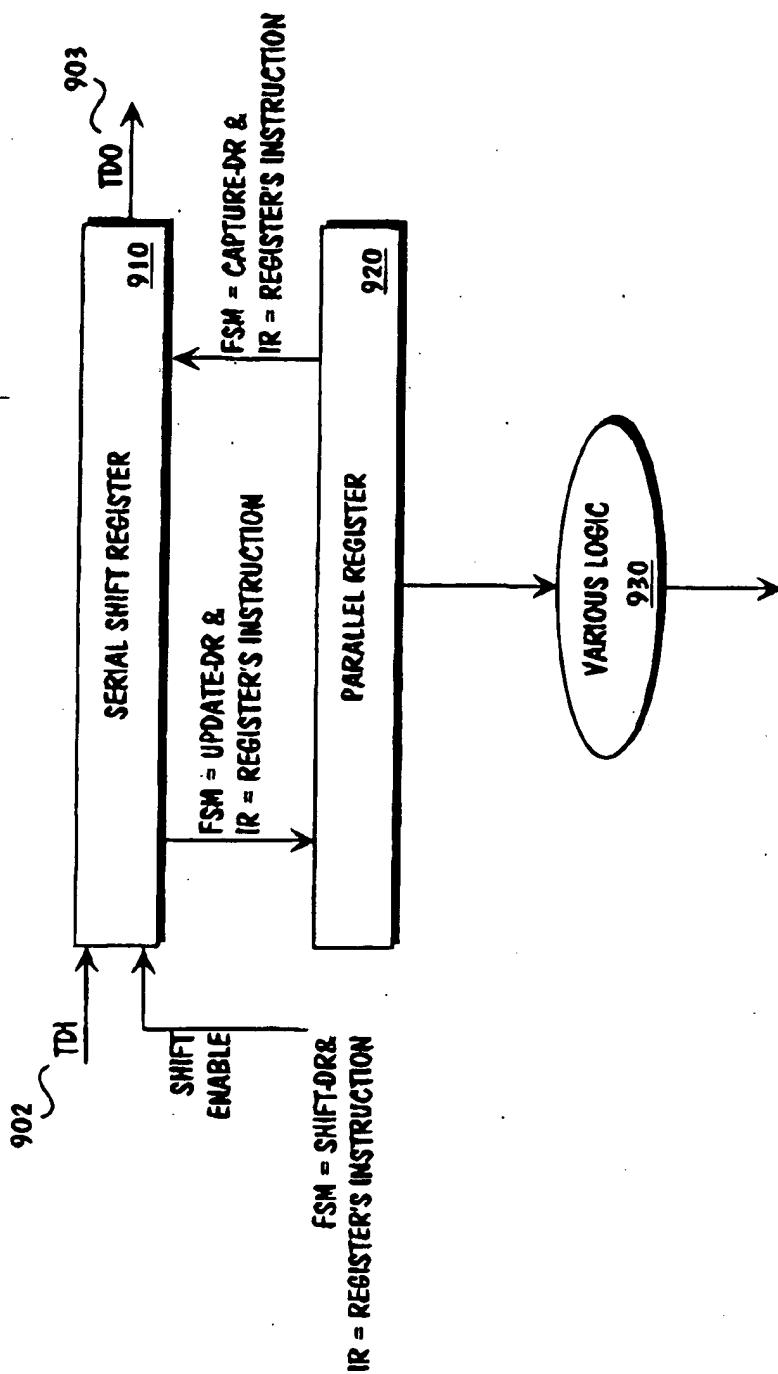


FIG. 9 (Prior Art)

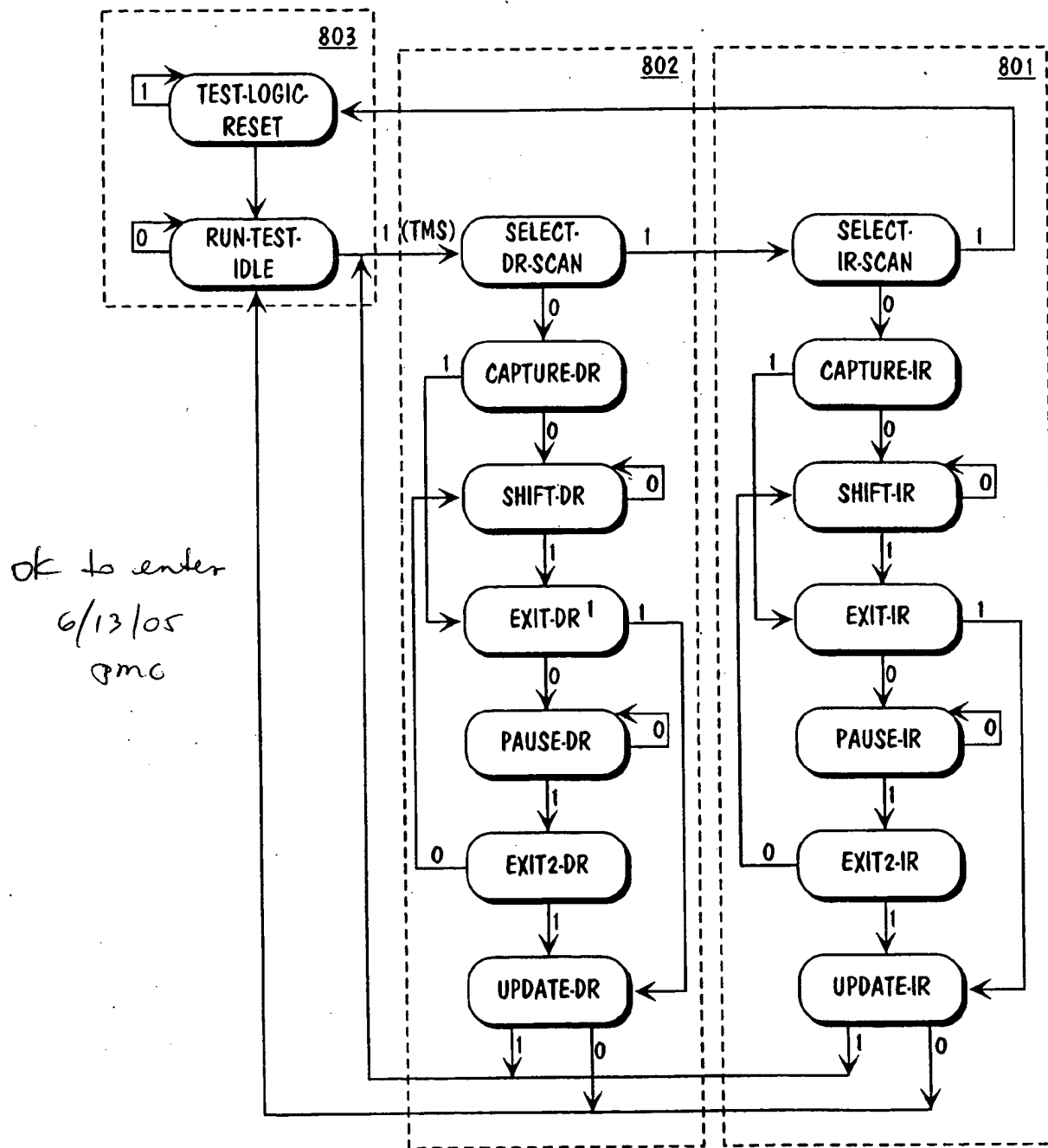


FIG. 8 (Prior Art)